

## 21 C.J.S. Courts § 220

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### Courts

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### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

##### 3. Extent of Precedential Effect of Decision

## § 220. Construction of statutes

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, [Courts](#) 89, 90(4), 91(1), 95(2)

**The doctrine of stare decisis applies to decisions construing statutes or ordinances, and decisions construing other statutes are authoritative if those statutes are nearly identical to the one under review but otherwise merely instructive.**

The doctrine of stare decisis applies to decisions construing statutes<sup>1</sup> or ordinances.<sup>2</sup> Indeed, since the legislature remains free to alter what courts have done,<sup>3</sup> considerations of stare decisis are particularly forceful in the area of statutory construction,<sup>4</sup> regardless whether the decision focused only on statutory text or also relied on the policies and purposes animating the law,<sup>5</sup> and especially when a unanimous interpretation of a statute has been accepted as settled law for several decades.<sup>6</sup> The judicial construction of a statute<sup>7</sup> by the highest court having jurisdiction to pass on it<sup>8</sup> is as much a part of the statute as if plainly written into it originally<sup>9</sup> unless it affects contract or property rights.<sup>10</sup> This rule especially applies when a unanimous interpretation of a statute has been accepted as settled law for several decades,<sup>11</sup> or the legislature has long acquiesced in that construction<sup>12</sup> by its continued use or failure to change the language of the statute,<sup>13</sup> as the legislature remains free to alter the courts' construction.<sup>14</sup> Furthermore, a case may remain a useful guide to interpreting a statute despite later amendments to that statute.<sup>15</sup> An even more extraordinary and compelling justification is needed to overturn precedents involving statutory interpretation because unlike in constitutional cases, if the precedent or precedents have misinterpreted the legislative intention embodied in a statute, the legislature's competency to correct the misinterpretation is readily at hand.<sup>16</sup> Thus, unlike in a constitutional case, critics of a United States Supreme Court ruling can take their objections to Congress, which can correct any mistake it identifies.<sup>17</sup>

A court will afford greater deference to the doctrine of stare decisis when revisiting a statute than if the court were asked to revisit an interpretation of a constitutional provision.<sup>18</sup> However, stare decisis does not preclude a court from reconsidering an erroneous interpretation of a statute,<sup>19</sup> and a court that has adopted conflicting interpretations of the same statute has the duty to clarify and resolve its previous decisions.<sup>20</sup> Stare decisis applies less forcefully, however, to courts' interpretation of remedial, rather than substantive, statutes.<sup>21</sup>

It is the United States Supreme Court's responsibility to say what a federal statute means, and then it is the duty of other courts to respect that understanding.<sup>22</sup> Once the Supreme Court has determined a statute's meaning, it adheres to its ruling and assesses an agency's later interpretation of the statute against that settled law.<sup>23</sup> However, the United States Supreme Court hesitates to set aside a uniform construction given to a statute by lower federal courts over a long period.<sup>24</sup> Similarly, a state supreme court acts as the final arbiter of the meaning of a state statute<sup>25</sup> and is not bound by a lower court's interpretation of it.<sup>26</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

Unless it appears that the Supreme Court's interpretation is manifestly wrong, it will not overrule precedent regarding the construction of statutory language. [State v. Spagnolo, 2022 MT 228, 520 P.3d 330 \(Mont. 2022\)](#).

## [END OF SUPPLEMENT]

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### Footnotes

- 1 U.S.—[Cottrell v. C. I. R., 628 F.2d 1127 \(8th Cir. 1980\)](#).  
Colo.—[City and County of Denver v. Board of Assessment Appeals of State, 30 P.3d 177 \(Colo. 2001\)](#), as modified on denial of reh'g, (May 21, 2001).  
Conn.—[Smith v. Yurkovsky, 265 Conn. 816, 830 A.2d 743 \(2003\)](#).  
Minn.—[In re Civil Commitment of Ince, 847 N.W.2d 13 \(Minn. 2014\)](#).  
Tex.—[Collier v. Poe, 732 S.W.2d 332 \(Tex. Crim. App. 1987\)](#).  
Ky.—[City of Mayfield v. Reed, 278 Ky. 5, 127 S.W.2d 847 \(1939\)](#).
- 2 U.S.—[Halliburton Co. v. Erica P. John Fund, Inc., 134 S. Ct. 2398, 189 L. Ed. 2d 339, 88 Fed. R. Serv. 3d 1472 \(2014\)](#).  
U.S.—[Kimble v. Marvel Entertainment, LLC, 135 S. Ct. 2401, 192 L. Ed. 2d 463 \(2015\)](#); [Halliburton Co. v. Erica P. John Fund, Inc., 134 S. Ct. 2398, 189 L. Ed. 2d 339, 88 Fed. R. Serv. 3d 1472 \(2014\)](#); [IBP, Inc. v. Alvarez, 546 U.S. 21, 126 S. Ct. 514, 163 L. Ed. 2d 288 \(2005\)](#).  
S.C.—[Wehle v. South Carolina Retirement System, 363 S.C. 394, 611 S.E.2d 240 \(2005\)](#).  
Tex.—[Jones v. State, 323 S.W.3d 885 \(Tex. Crim. App. 2010\)](#).  
W. Va.—[Haney v. County Com'n, Preston County, 212 W. Va. 824, 575 S.E.2d 434 \(2002\)](#).

**Patent laws**

By contrast with the Sherman Act, the patent laws do not turn over exceptional law-shaping authority to the courts; accordingly, statutory stare decisis—in which the Supreme Court interprets and Congress decides whether to amend—retains its usual strong force.

U.S.—[Kimble v. Marvel Entertainment, LLC](#), 135 S. Ct. 2401, 192 L. Ed. 2d 463 (2015).

5 U.S.—[Kimble v. Marvel Entertainment, LLC](#), 135 S. Ct. 2401, 192 L. Ed. 2d 463 (2015).

6 U.S.—[IBP, Inc. v. Alvarez](#), 546 U.S. 21, 126 S. Ct. 514, 163 L. Ed. 2d 288 (2005).

7 Ark.—[Merchants' Transfer & Warehouse Co. v. Gates](#), 180 Ark. 96, 21 S.W.2d 406 (1929).

Mont.—[Montana Horse Products Co. v. Great Northern Ry. Co.](#), 91 Mont. 194, 7 P.2d 919 (1932).

Tenn.—[Miller v. Kennedy](#), 164 Tenn. 470, 51 S.W.2d 1000 (1932).

8 U.S.—[Winters v. New York](#), 333 U.S. 507, 68 S. Ct. 665, 92 L. Ed. 840 (1948).

Mo.—[Eberle v. Koplar](#), 85 S.W.2d 919 (Mo. Ct. App. 1935).

Pa.—[Perma-Lite of Pennsylvania, Inc. v. Workmen's Compensation Appeal Bd.](#), 38 Pa. Commw. 481, 393 A.2d 1082 (1978).

Wash.—[State v. Gore](#), 101 Wash. 2d 481, 681 P.2d 227, 39 A.L.R.4th 975 (1984).

9 U.S.—[Poulos v. State of N.H.](#), 345 U.S. 395, 73 S. Ct. 760, 97 L. Ed. 1105, 30 A.L.R.2d 987 (1953).

Minn.—[In re Civil Commitment of Ince](#), 847 N.W.2d 13 (Minn. 2014).

10 U.S.—[Poulos v. State of N.H.](#), 345 U.S. 395, 73 S. Ct. 760, 97 L. Ed. 1105, 30 A.L.R.2d 987 (1953).

Ga.—[Williams v. Ray](#), 146 Ga. App. 333, 246 S.E.2d 387 (1978).

Wash.—[Johnson v. Morris](#), 87 Wash. 2d 922, 557 P.2d 1299 (1976).

Retrospective application of the case, see § 196.

Decisions affecting property or contract rights, see § 195.

**Nature of clarification**

A "clarification" of a statute, which applies to final cases decided under the same version of the statute, is a decision of a state supreme court that says what the law has been since the time of enactment.

Fla.—[State v. Klayman](#), 835 So. 2d 248 (Fla. 2002).

11 U.S.—[IBP, Inc. v. Alvarez](#), 546 U.S. 21, 126 S. Ct. 514, 163 L. Ed. 2d 288 (2005).

12 Cal.—[In re O'Connell](#), 182 Cal. 786, 189 P. 700 (1920).

Neb.—[Patterson v. Kerr](#), 127 Neb. 73, 254 N.W. 704 (1934).

Wis.—[Progressive Northern Ins. Co. v. Romanshek](#), 2005 WI 67, 281 Wis. 2d 300, 697 N.W.2d 417 (2005).

13 U.S.—[Illinois Brick Co. v. Illinois](#), 431 U.S. 720, 97 S. Ct. 2061, 52 L. Ed. 2d 707 (1977).

III.—[Williams v. Crickman](#), 81 Ill. 2d 105, 39 Ill. Dec. 820, 405 N.E.2d 799 (1980).

Wash.—[Riehl v. Foodmaker, Inc.](#), 152 Wash. 2d 138, 94 P.3d 930 (2004).

Presumption in the absence of legislative change, see § 187.

**Strong probability that courts correctly interpreted legislature's will**

Ind.—[Dunson v. Dunson](#), 769 N.E.2d 1120 (Ind. 2002).

14 U.S.—[Hohn v. U.S.](#), 524 U.S. 236, 118 S. Ct. 1969, 141 L. Ed. 2d 242 (1998).

Ariz.—[Galloway v. Vanderpool](#), 205 Ariz. 252, 69 P.3d 23 (2003).

Cal.—[Barner v. Leeds](#), 24 Cal. 4th 676, 102 Cal. Rptr. 2d 97, 13 P.3d 704 (2000).

Wis.—[Progressive Northern Ins. Co. v. Romanshek](#), 2005 WI 67, 281 Wis. 2d 300, 697 N.W.2d 417 (2005).

15 Conn.—[Tarullo v. Inland Wetlands and Watercourses Com'n of Town of Wolcott](#), 263 Conn. 572, 821 A.2d 734 (2003).

16 N.Y.—[State Farm Mut. Auto. Ins. Co. v. Fitzgerald](#), 25 N.Y.3d 799, 16 N.Y.S.3d 796, 38 N.E.3d 325 (2015).

17 U.S.—[Kimble v. Marvel Entertainment, LLC](#), 135 S. Ct. 2401, 192 L. Ed. 2d 463 (2015); [Pearson v. Callahan](#), 555 U.S. 223, 129 S. Ct. 808, 172 L. Ed. 2d 565 (2009).

18 Ala.—[Hexcel Decatur, Inc. v. Vickers](#), 908 So. 2d 237 (Ala. 2005).

Application of stare decisis to decisions on constitutional issues, see § 222.

19 Iowa—[McElroy v. State](#), 703 N.W.2d 385, 202 Ed. Law Rep. 290 (Iowa 2005).

Mich.—[Nawrocki v. Macomb County Road Com'n](#), 463 Mich. 143, 615 N.W.2d 702 (2000).

**Interpretation manifestly wrong**

Idaho—[Greenough v. Farm Bureau Mut. Ins. Co. of Idaho](#), 142 Idaho 589, 130 P.3d 1127 (2006).

**Reliance**

Since a citizen should look to the words of the statute itself, a decision overruling the interpretation of the statute merely indicates that only the court's prior decision disrupted the citizen's reliance interest.

Mich.—[Sington v. Chrysler Corp.](#), 467 Mich. 144, 648 N.W.2d 624 (2002).

20 Ill.—[Nudell v. Forest Preserve Dist. of Cook County](#), 207 Ill. 2d 409, 278 Ill. Dec. 542, 799 N.E.2d 260 (2003).

21 Miss.—[Bell v. State](#), 160 So. 3d 188 (Miss. 2015).

22 U.S.—[Rivers v. Roadway Exp., Inc.](#), 511 U.S. 298, 114 S. Ct. 1510, 128 L. Ed. 2d 274 (1994).

23 U.S.—[Neal v. U.S.](#), 516 U.S. 284, 116 S. Ct. 763, 133 L. Ed. 2d 709 (1996); [Maislin Industries, U.S., Inc. v. Primary Steel, Inc.](#), 497 U.S. 116, 110 S. Ct. 2759, 111 L. Ed. 2d 94 (1990).

24 U.S.—[State of Missouri v. Ross](#), 299 U.S. 72, 57 S. Ct. 60, 81 L. Ed. 46 (1936).

25 N.H.—[In re Inter Lakes School Bd.](#), 147 N.H. 28, 780 A.2d 1275, 157 Ed. Law Rep. 747 (2001).

**Correcting federal court's error**

It is not necessary for a state supreme court to correct an erroneous federal court interpretation of a state's statutes since the precedential value of the state court's opinions remain the controlling authority on the proper interpretation of those statutes.

Ga.—*Innovative Clinical & Consulting Services, LLC v. First Nat. Bank of Ames*, 279 Ga. 672, 620 S.E.2d 352 (2005).

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Minn.—*Heine v. Simon*, 702 N.W.2d 752 (Minn. 2005).

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